

REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

Applicants wish to thank the Examiner and the Examiner's supervisor for the telephone interview conducted March 13, 2004.

At paragraph 1 of the outstanding Office Action, the Examiner has rejected claim 36 under 35 U.S.C. §112 as including insufficient antecedent basis for the limitation "said circular portion" in the claim. Applicants have amended this portion of the claim to recite "a circular portion" and therefore request that the rejection of claim 36 under 35 U.S.C. §112 be withdrawn.

At paragraph 4 of the outstanding Office Action, the Examiner has rejected claims 4 and 18 under 35 U.S.C. §102(b) as being anticipated by Ide et al. (U.S. Patent No. 2,224,683).

Applicants respectfully traverse the rejection.

Claim 4 recites "a plurality of removable tabs positioned substantially axially to said substantially flat central portion". Applicants note that Ide et al. shows, at best, a removable ring that is selectively removable from a plate. However, there is only one ring, and therefore a "plurality of removable tabs" is not provided. Furthermore, this ring is not "a removable tab position substantially axially to said substantially flat central portion."

Regarding claim 18, Applicants submit that Ide et al. fails to depict one or more selectively "removable covered tabs", and merely depicts a removable ring. No coverings are provided, and therefore the claimed elements are not shown in Ide et al.

Applicants respectfully request that the rejection of claims 4 and 18 under 35 U.S.C. §102(b) be withdrawn.

At paragraphs 3-4 of the outstanding Office Action, the Examiner has rejected claims 1-3, 5-9, 14-17 and 19-20 under 35 U.S.C. §103(a) as being unpatentable over Ide et al. in view of Schneider et al. (U.S. Patent No. 3,580,484). Applicants respectfully traverse the rejection.

Regarding independent claim 1, Applicants submit that the combination of Ide et al. and Schneider et al. fails to depict “a circular perforation” and “a plurality of axial perforations”.

Further regarding independent claim 7, Applicants submit, similarly to claim 1, the combination of references fails to depict a circular perforation form coaxially with the substantially flat central portion, and a plurality of axial perforations formed in the raised side surfaces.

Additionally, regarding independent claim 14, Applicants submit that Schneider et al. fails to depict “one or more selectively removable perforated cutouts”. Indeed, Schneider et al. specifically teaches against such a removable tab, reciting at column 1, lines 39-46 “With the present invention, the depressable side section hereinabove referred to is hinged to the remaining parts of the plate and affords a lever that lifts the plate bottom at and overlying the pie portion being exposed for extraction, whereby said bottom is deflected upwardly in such a manner that it induces a separation of the bottom and the pie portion at the peripheral area of the pie plate bottom.” Thus, rather than teaching a removable portion, Schneider et al. specifically recites that the foldable portion is not removable, and indeed must remain hinged to the plate bottom to provide an additional function, that of lifting the bottom and improving the invention.

Applicants therefore submit that independent claims 1, 7 and 14 are not shown by the combination of Ide et al. and Schneider et al. Claims 2-3, 8-9 and 15-16 depend from independent claims 1, 7 and 14, respectively. Claims 5-6 and 19-20 depend from independent claims 4 and 18, respectively. These dependent claims are therefore allowable for this reason

alone, and additionally as presenting independently patentable combinations in and of their own rights. Applicants therefore respectfully request that the rejection of these claims under 35 U.S.C. §103(a) be withdrawn.

At paragraph 5 of the outstanding Office Action, the Examiner has rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Ide et al. as applied to claim 18, and further in view of Jones (U.S. Patent No. 5,207,746). Claim 21 depends from independent claim 18, and is therefore allowable for this reason alone, and additionally as presenting independently patentable combinations in and of its own rights. Applicants therefore respectfully request that the rejection of claim 21 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 6 of the outstanding Office Action, the Examiner has rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over Ide et al. as applied to claim 18, and further in view of Applicants' admission in the specification at page 14, lines 8-10. Applicants submit that claim 22 depends from claim 18 and is allowable for this reason alone, and additionally as presenting an independently patentable combination in its own right. Applicants request that the rejection of claim 22 under 35 U.S.C. §103(a) be withdrawn.

At paragraph 7 the Examiner has rejected claims 36-38 as being unpatentable over Ide et al. in view of Schneider, and further in view of Jones. Applicants respectfully traverse the rejection.

Similar to claim 1, claim 36 recites a circular tab not shown in any of the references, and also depicts a removable tab not shown in the references. Additionally, dependent claims 37-38 depend from allowable independent claim 36, and are allowable for this reason alone, and additionally as presenting independently patentable combinations in their own right. Applicants request that the rejection of claims 36-38 under 35 U.S.C. §103(a) be withdrawn.

While the Examiner has indicated on the Office Action cover sheet that claim 39 was rejected, no specific rejection of claim 39 has been presented. Applicants therefore submit that claim 39 is in condition for allowance.

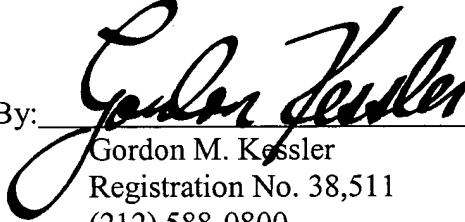
CONCLUSION

Applicants have made a diligent effort to place claims 1-9, 14-22 and 36-39 in condition for allowance, and notice to this effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance regarding these claims, the Examiner is respectfully requested to contact the undersigned attorney in order to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,

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